

REMARKS

Claims 1-11, 24-33, 44-49, and 51-56 remain in the application. Claims 1-11, 24, 27-29, 32, 33, 44, 45, 49-52, 56, and 57 have been amended hereby and claims 12-23, 34-43, 50, 57, and 58-70 have been canceled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the rejection of claims 24-43 under 35 USC 112, second paragraph, as being indefinite.

Claims 34-43 have been canceled, thereby rendering the rejection thereof moot.

Independent claims 24 and 29 have been amended in part to clarify that the "surplus" is a --surplus in a data transfer rate--, as described in pages 169-173 of the present application.

Accordingly, it is respectfully submitted that amended independent claims 24 and 29, and the claims depending therefrom, are clear and definite in their recitation of the present invention and meet all requirements of 35 USC 112.

Reconsideration is respectfully requested of the rejection of claims 1-23, 44-48, 51-55, 58-61, and 64-68 under 35 USC 102(e), as being anticipated by Ginter et al.

Claims 58-61 and 64-68 have been canceled, thereby

rendering the rejection thereof moot.

A feature of the present invention is that a picture on a photographic film is converted into digital image data, for later storing, distributing, and charging, by using a photographic image scanner included in a photographic image printing machine. See Figs. 24-26 of the present application, for example.

Independent claims 1, 6, 12, 18, 44, and 51 have been amended to recite this feature of the present invention.

Looking at Ginter et al. we see that there is no image scanning for converting a film based picture into photographic digital image data for later storing, distributing and charging. Ginter et al. is merely a system for secure transaction management and electronic rights protection.

Accordingly, it is respectfully submitted that amended independent claims 1, 6, 12, 18, 44, and 51, and the claims depending therefrom, are not anticipated by Ginter et al.

Reconsideration is respectfully requested of the rejection of claims 24-43 under 35 USC 103(a), as being unpatentable over Ginter et al. in view of the present application.

Claims 34-43 have been canceled, thereby rendering the

rejection thereof moot.

Independent claims 24 and 29 have been amended to recite the same scanning feature discussed above to overcome the Ginter et al. reference and, for at least the same reasons and because there are no features in the present application which would be considered as admitted prior art that somehow could be combined with Ginter et al. and result in the presently claimed invention, it is respectfully submitted that amended independent claims 24 and 29, and the claims depending therefrom, are patentably distinct over Ginter et al. in view of the present application.

Reconsideration is respectfully requested of the rejection of claims 49, 50, 56, 57, 62, 63, 69, and 70 under 35 USC 103(a), as being unpatentable over Miodonski et al.

Claims 50, 57, 62, and 63 have been canceled, thereby rendering the rejection thereof moot.

Claims 49 and 56 depend from claims 44 and 51, respectively, which rejection over Ginter et al. has been addressed above and, because there are no features in Miodonski et al. that somehow could be combined with Ginter et al. and result in the presently claimed invention, it is respectfully submitted that claims 49 and 56 are patentably distinct over Ginter et al. in view of Miodonski et al.

A Terminal Disclaimer is submitted herewith to overcome the provisional double-patenting rejection over copending Application No. 09/749,097.

The prior art made of record and not relied upon has been reviewed and is not seen to show or suggest the present invention as recited in the amended claims.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
COOPER & DUNHAM LLP

A handwritten signature in black ink, appearing to read "Jay H. Maioli". The signature is stylized with a large, looped "M" and a cursive "i" at the end.

Jay H. Maioli
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JHM/PCF:tl

VERSION WITH MARKINGS TO SHOW CHANGES MADEIN THE CLAIMS

Please amend claims 1-11, 24, 27-29, 32, 33, 44, 45, 49-52, 56 and 57 by rewriting same to read as follows and cancel claims 12-23, 34-43, 50, 57, and 58-70, without prejudice or disclaimer.

Sub C1 1. (Twice Amended) An image commercial transactions system comprising:

a reception host including:

a photographic image printing machine having a photographic image scanner for converting a picture on a film into photographic digital image data,

B1 a server for storing said photographic digital image data,

a [reception dealer] computer for accepting a [transfer] sale of [an] a digital image [recorded] stored on [a recording medium] said server in a [predetermined] digital data format with a handling condition [intrinsic] related to said digital image, and

transferring means for transferring said digital image with said handling condition in [a] said digital data format stored in said server; and

a charge accounting dealer for effecting an electronic charge accounting transaction for the transfer by said reception [dealer] host of [said] data of said digital image with said handling condition.

--2.(Twice Amended) The image commercial transactions system according to claim 1, wherein said reception [dealer] host transfers said data of said digital image subjected to one of a scrambling process and a masking process.

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--3.(Twice Amended) The image commercial transactions system according to claim 2, wherein said reception [dealer] host subjects [the] said data of said digital image to a scrambling process/enciphering, and transfers key data of [the] said scrambling process/enciphering.

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--4.(Twice Amended) The image commercial transactions system according to claim 1, wherein said reception [dealer] host transfers said digital image with said handling condition and an advertisement in [a] said digital data format.

--5. (Twice Amended) The image commercial transactions system according to claim 1, wherein said reception [dealer] host transfers data of said advertisement synthesized with [the] said data of said image and with said handling condition.

--6. (Twice Amended) An image commercial transactions method comprising:

a reception step including:

an image scanning step for converting a picture on a film into photographic digital image data,

a [reception] processing step of enabling a reception [dealer] host to accept a transfer of [an] a digital image [recorded] stored on a [recording medium] server in a [predetermined] digital data format with a handling condition [intrinsic] related to said digital image [;], and

a transfer step of enabling said reception [dealer] host to transfer said digital image with said handling condition in [a] said digital data format; and

a charge accounting step of enabling a charge accounting dealer to effect an electronic charge accounting transaction for the transfer of [the] data of said digital

image with said handling condition.

--7.(Twice Amended) The image commercial transactions method according to claim 6, wherein in said transfer step said reception [dealer] host transfers [the] said data of said digital image subjected to one of a scrambling process and a masking process.

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--8.(Twice Amended) The image commercial transactions method according to claim 6, wherein in said transfer step said reception [dealer] host subjects [the] said data of said digital image to a scrambling process/enciphering, and transfers key data of [the] said scrambling process/enciphering.

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--9.(Twice Amended) The image commercial transactions method according to claim 6, wherein said transfer step enables said reception [dealer] host to generate predetermined additional information for [the] said data of said digital image, and [transfer] transfers said generated additional information in [a] said digital data format along with [the] said data of said image with said handling condition.

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--10. (Twice Amended) The image commercial transactions method according to claim 6, wherein said reception [dealer] host transfers said digital image with said handling condition and an advertisement in [a] said digital data format.

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--11. (Twice Amended) The image commercial transactions method according to claim 6, wherein said reception [dealer] host transfers data of said advertisement synthesized with [the] said data of said image and with said handling condition.

--24. (Twice Amended) An image commercial transactions system comprising:

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a reception [dealer] host for generating and sending [predetermined] digital image data to be distributed, wherein said digital image data is produced by a photographic image scanner converting a picture on a photographic film into said digital image data;

a distribution dealer for detecting, from among a plurality of channels for broadcasting predetermined data toward a satellite, a channel having a surplus in a data

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transfer rate generated in a previously assigned data transfer rate per unit time, and for distributing said digital image data sent from said reception [dealer] host using said channel having said detected surplus; and

a charge accounting dealer for effecting an electronic charge accounting transaction for the distribution of said digital image data.

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--27. (Twice Amended) The image commercial transactions system according to claim 24, wherein said reception [dealer] host accepts a distribution of [an] said digital image with a handling condition [intrinsic] related to said digital image [recorded] stored on a [predetermined recording medium] server in a [predetermined] digital data format, and generates data of said digital image data to be distributed from said digital image data [corresponding to said image] and [intrinsic] control data [based on] corresponding to said handling condition.

--28. (Twice Amended) The image commercial transactions system according to claim 27, wherein said [recording medium] is a photographic film, and said reception [dealer generates said image data by optically

scanning a photographic image on said photographic film and] host generates said [intrinsic] control data based on said handling condition recorded on said photographic film.

--29. (Twice Amended) An image commercial transactions method comprising:

a sending step of enabling a reception [dealer] host to generate and send [predetermined] digital image data to be distributed, wherein said digital image data is produced by a photographic image scanner converting a picture on a photographic film into said digital image data;

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a distributing step of enabling a distribution dealer to detect, from among a plurality of channels for broadcasting predetermined data toward a satellite, a channel having a surplus in a data transfer rate generated in a previously assigned data transfer rate per unit time, and to distribute said digital image data sent from said reception [dealer] host using said channel having said detected surplus; and

a charge accounting step of enabling a charge accounting dealer to effect an electronic charge accounting transaction for the distribution of said digital image data.

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--32. (Twice Amended) The image commercial transactions method according to claim 29, wherein in said sending step said reception [dealer] host accepts a distribution of [an] said digital image with a handling condition [intrinsic] related to said digital image [recorded] stored on a [predetermined recording medium] server in a [predetermined] digital data format, and generates data of said digital image [data] to be distributed from said digital image data [based on said image] and [intrinsic] control data corresponding to said handling condition.

--33. (Twice Amended) The image commercial transactions method according to claim 32, wherein in said sending step said reception [dealer] host generates said [image data by optically scanning a photographic image on said recording medium being a photographic film, and generates said intrinsic] control data based on said handling condition recorded on said photographic film.

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--44. (Twice Amended) An image commercial transactions system comprising:
a distribution device for generating

[distributing] digital image data [based upon an image recorded on a predetermined recording media in a predetermined format] using a photographic image printing machine having a photographic image scanner for converting a picture on a photographic film into said digital image data, and further generating distribution control data for said [image] picture based upon a handling condition [intrinsic] relate to said [image] picture recorded on said [recording medium] photographic film along with said [image] picture, and for integrating and distributing said [generated distributing] digital image data and said generated distribution control data; and

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a display device for, based on said [distributing] digital image data and said distribution control data distributed by said distribution device, displaying on a display screen said [image] picture based on said [distributing] digital image data and distribution control details [based on] corresponding to said distribution control data [being correlated with each other].

--45. (Twice Amended) The image commercial transactions system according to claim 44, wherein said distribution control data is comprised of [intrinsic]

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control data generated when said [image] picture is recorded and additional control data for adding a predetermined process to said digital image data.

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--49. (Twice Amended) The image commercial transactions system according to claim 48, wherein said display device switches and displays an angle of view of said [image] picture, optionally selected.

--51. (Twice Amended) An image commercial transactions method comprising:

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a data generating step of generating [distributing] digital image data [based upon an image recorded on a predetermined recording media in a predetermined format] using a photographic image printing machine having a photographic image scanner for converting a picture on a photographic film into said digital image data, and further generating distribution control data for said [image] picture based upon a handling condition [intrinsic] related to said [image] picture recorded on said [recording medium] photographic film along with said [image] picture;

a distributing step of integrating and distributing said [generated distributing] digital image

data and said generated distribution control data generated in said data generating step; and

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a display step of, based on said [distributing] digital image data and said distribution control data distributed by said distributing step, displaying on a display screen said [image] picture based on said [distributing] digital image data and distribution control details [based on] corresponding to said distribution control data [being correlated with each other].

--52. (Twice Amended) The image commercial transactions method according to claim 51, wherein in said data generating step said distribution control data is generated from [intrinsic] control data generated when said [image] picture is recorded and additional control data for adding a predetermined process to said digital image data.

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--56. (Twice Amended) The image commercial transactions method according to claim 55, wherein in said display step an angle of view of said [image] picture is optionally selected, switched, and displayed.--